

**Notice of Allowability**

Application No.

09/852,453

Examiner

Alan S. Chen

Applicant(s)

WEINOLD, CHRISTOFFER S.

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 04/05/2006.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/05/2006 has been entered.

### ***Response to Arguments***

2. Based on the arguments and upon further review of the declaration filed on 09/15/2004 under 37 CFR 1.131, the declaration is sufficient to overcome the Chen reference.

Applicant's arguments with respect to claims 1-33 have been fully considered and are persuasive. The 35 U.S.C. §102 and §103(a) rejection of claims 1-33 has been withdrawn.

## **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Mr. William D. Lee (Reg. No. 22,660) on 06/15/2006.

Mr. Lee agreed an Examiner's Amendment to the claims to reflect the instant application does not need an intermediate mechanism such as an ignition switch to determine when to turn off the mobile data system but rather, the determination is based solely on the voltage coming from the vehicle battery.

The application has been amended as follows:

- Per claim 1, in lines 8 and 12, replace "coupled" with –connected–.
- Per claim 1, in lines 9 and 14, insert –directly– immediately after "variable voltage electrical power".
- Per claim 1, in line 16, insert –directly– immediately after "voltage regulated electrical power".
- Per claim 13, in lines 8 and 12, replace "coupled" with –connected–.
- Per claim 13, in lines 9 and 13, insert –directly– immediately after "variable voltage electrical power".
- Per claim 13, in line 15, insert –directly– immediately after "voltage regulated electrical power".
- Per claim 17, in lines 7 and 11, replace "coupled" with –connected– .
- Per claim 17, in lines 8 and 12, insert –directly– immediately after "variable voltage electrical power"..
- Per claim 17, in line 14, insert –directly– immediately after "voltage regulated electrical power".
- Per claim 18, in line 11, insert –directly– immediately after "voltage regulated electrical power"

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- Per claim 26, in line 5, insert –directly– immediately after “variable voltage electrical power”.
- Per claim 31, in lines 9 and 13, replace “coupled” with –connected–.
- Per claim 31, in lines 10 and 14, insert –directly– immediately after “variable voltage electrical power”.
- Per claim 31, in line 16, insert –directly– immediately after “voltage regulated electrical power”.
- Per claim 32, in lines 8 and 12, replace “coupled” with –connected–.
- Per claim 32, in lines 9 and 14, insert –directly– immediately after “variable voltage electrical power”.
- Per claim 32, in line 16, insert –directly– immediately after “voltage regulated electrical power”.
- Per claim 33, in line 11, insert –directly– immediately after “voltage regulated electrical power”.

***Allowable Subject Matter***

5. Claims 1-33 are allowed.

The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, ***all*** the limitations of the independent claim(s) (claims 1,13,17,18,26,31,32 and 33), particularly a system computer on a mobile data system that receives voltage information directly from a vehicle power source to determine whether to turn off the mobile data system. As admitted in the remarks by

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the applicant on 4/5/2006, there is no intermediate mechanism, such as an ignition switch, under which the determination to turned off the mobile data system is based.


### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASC  
06/15/2006



**KIM HUYNH**  
**SUPERVISORY PATENT EXAMINER**  
6/19/06